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*Media*

28 February 1978

MEMORANDUM FOR: Director of the National Foreign Assessment  
Center  
Deputy Director for Operations  
Deputy Director for Science and Technology  
General Counsel  
Acting Legislative Counsel  
Inspector General  
Comptroller  
Director, Equal Employment Opportunity  
Assistant for Public Affairs

FROM: John F. Blake  
Deputy Director for Administration

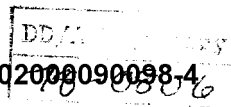
SUBJECT: Release of CIA Information to the Public

1. There is attached to this memorandum a report to me entitled "Report of the Agency Working Group to Study Release of CIA Information to the Public."
2. It would be appreciated if addressees would familiarize themselves with this document and then inform us as to whether they are in agreement with its recommendations.
3. Receipt of your position by 10 March would be appreciated.

*John F. Blake*

John F. Blake

Att



23 February 1978

MEMORANDUM FOR: Deputy Director for Administration

FROM :   Chairman  
Agency Working Group to Study Release of CIA  
Information to the Public

SUBJECT : Report of the Agency Working Group to Study Release  
of CIA Information to the Public

REFERENCES : (a) Memo for A/DDCI from Michael J. Malanick dated  
8 Nov 77, Subject: Establishment of an Agency  
Working Group to Study Release of CIA Informa-  
tion to the Public  
  
(b) Multiple addressee memorandum from John F. Blake  
dated 14 Nov 77, Subject: Release of Information  
to the Public

1. The Working Group established by referenced memoranda has met on numerous occasions both as a body in full and in the form of two subgroups established to study particular aspects of the question of release of information to the public. This report speaks in some detail to the recommended topics contained in paragraph 3 of Mr. Malanick's 8 November 1977 memorandum. There is a consensus among the members of the Working Group that the recommendations contained in this report should be approved for early implementation.

2. Prior to examining specific topics and recommendations, I believe it is important to note certain opinions that were expressed by various Working Group members in the course of our discussions. Primary among these opinions was the view that the release of CIA information to the public by any means involves a significant flap potential. No reasonable steps that we could take would totally preclude this risk. Yet, our goal will be to minimize the frequency and the damaging results of flaps. A second opinion and one closely related to the first is that there has been a tendency in the past two years for top management to react very strongly to what are considered to be information release flaps. In several instances a good deal of both time and effort has gone into post-mortem reviews and apparent attempts to affix specific responsibility. Obviously, post-mortem reviews are in order where there is any indication of dereliction of

duty. To date, such dereliction has not been indicated. It is the feeling of the group that unnecessary reviews and post-mortems serve only to damage the morale of the many people who, on a day-to-day basis, are required to make judgments regarding the release of information.

3. Following are specific comments and recommendations relating to the topics outlined in Mr. Malanick's memorandum:

a. Determine the feasibility of establishing a centralized group of senior persons from each of the Directorates, NFAC, and the Office of the DCI to review information proposed for release to the public and, if feasible, its location in the Agency's organization.

RECOMMENDATION:

That such a group as stated here not be established.

Comment:

While we do not believe that it is feasible to establish a centralized group of senior persons to review all information proposed for release to the public, we do believe that the establishment of an additional inter-directorate policy and review group would serve a useful purpose. A specific recommendation dealing with this matter is included among the numerous recommendations under topic c. below.

b. Determine the feasibility of developing and implementing a centralized index of all material that has been released to the public.

RECOMMENDATION:

That a centralized index of all material that has been released to the public not be established at this time.

Comment:

This Working Group represents the second such body that has addressed the subject of a central index during the course of the last two years. Like its predecessor, this Working Group has found this subject to be one of considerable frustration and consternation. If it were feasible to have a central index which one could search by subject, document, geographical area, etc., and it

would lead to all information released to the public by this Agency, such an index would quite obviously be a desirable tool. However, this Working Group, like its predecessor, has concluded that such an ideal index is very probably unobtainable, given the nature of the Agency's information release activities. While we could input documents formally released to the public, there is a large body of information placed in the public domain by means other than documents. The capturing of this non-documentary information for the index would pose enormous problems. The Public Affairs Office, for example, would have to reduce each of its public pronouncements, responses to telephone requests, etc., to written form in sufficient detail to permit computer indexing, and file the data in a manner to permit retrieval in response to index "hits."

If the index were limited to documentary releases it would provide only partial coverage, leaving such gaps as to call its utility into question. It would be searchable under the constraints common to all such indices, and would of itself answer few questions -- substantive analysis of the indexed documents would be required. This Working Group, like its predecessor, has been unable to identify the persons or components who would be tasked to conduct such analysis.

At the working level it is useful to be able to determine whether a given document has previously been reviewed for release. This was the rationale for the developing DDO "PICDOC" file of documents released, sanitized or denied in FOIA and PA cases. Other components may find it useful to emulate the DDO, so as to provide similar support to FOIA case officers, but before they do, questions about cost-benefit ratios need to be asked. The input process is proving very costly.

Firm figures are not available (we don't keep comprehensive statistics on the number of documents processed) but a conservative estimate would place the number of documents to be processed into a central index at 3,000 per month (to say nothing of the backlog of documents already released). To ensure that the index would provide truly useful information, indexing would have to be of a most careful and thorough nature. It was the feeling of the majority of the Working Group members that if we were to proceed with the development of such an index, we would commit an unreasonable amount of resources

for the creation of a tool which, in all probability, would be of marginal utility. Working-level indices seem a far better allocation of resources.

We believe that the use of these indices combined with the use of other records maintained by components in the information business would provide an adequate, although admittedly not ideal, check on previous releases.

c. Determine what steps should be taken to minimize future "flaps" in the release of information and determine if a "post-mortem" system should be established.

RECOMMENDATION #1:

More and better training of personnel who become involved in the information release process.

Comment:

A formal training seminar has been developed as regards the FOIA and Privacy Act. We believe that maximum advantage should be taken of this experience by any people becoming involved in the information release activities of the Agency, and that the feasibility of further training activities in this area should be taken under study by the Director of Training.

RECOMMENDATION #2:

That formal distribution be made of information relating to problems that have occurred.

Comment:

As one of its objectives under MBO, the Information and Privacy Staff is tasked to distribute information relating to FOIA and the Privacy Act to interested Agency components. We believe this mechanism should pay special attention to making people aware of problems that have occurred in information release so that all involved can continue to learn from experience.

RECOMMENDATION #3:

The establishment of a sub-IRC Agency working group.

Comment:

The IRC, being made up of senior officers of the Agency, meets infrequently and normally restricts its attention to matters of a significant policy nature. This is as it should be. However, to ensure maximum coordination and the exchange of information and experiences, we believe a sub-group composed of senior staff officers representing the members of the IRC and with the addition of representatives from OLC and the Public Affairs Office (and possibly the DCI's personal staff) should be established. This group should meet regularly and its members should be tasked to communicate to their components information resulting from these meetings. Among other things, this group should address on a regular basis the possible impact on CIA by FOIA/PA releases of other Government agencies.

RECOMMENDATION #4:

The designation of a referent for "alerting" management of potential problems.

Comment:

A major problem of the past has been that the appropriate management officials of the Agency have not received thorough and timely warning of potential problems in information release. Contributing to this problem is the very diversified nature of information release and the absence of an identified individual to be advised of any potential problems. All too often some officials have been alerted, others who should have have not been. We, therefore, recommend that an appropriate senior staff officer be designated as that individual who will be alerted by any Agency component which feels it has a potential problem. That officer, in turn, depending upon the nature of the problem, will be responsible for advising all concerned officials.

RECOMMENDATION #5:

That OLC and the Public Affairs Office be integrated more fully into the Agency's overall information release procedures.

Comment:

The release of information under FOIA, the Privacy Act, Executive Order 11652, and the Declassification Program are all covered by specific procedures and systems which have developed out of the requirements of either law or Executive order. Such does not appear to be the case with the release activities of OLC and the Public Affairs Office, both of which are required to respond to requests that are urgent, unprecedented and not governed by laws, Executive orders, etc. We believe it is imperative that closer coordination between these two activities is called for. Part of this recommendation would be served by the establishment of the working group referred to above.

RECOMMENDATION #6:

The encouragement of working-level "rap" sessions.

Comment:

We believe it is important that managers involved in the information release business communicate frequently with each other. Much of this is done and the recommended working group would formalize this contact and obviously even make it more useful. Equally important, however, is that the working-level personnel involved in these activities share their experiences with one another. We are of the opinion that managers should be tasked to make such arrangements that would facilitate this contact on a regular basis.

- d. Determine the advisability of developing an official definition of sources and methods.

RECOMMENDATION:

That the development of a definition of sources and methods be deferred.

Comment:

The Agency has on several occasions within the past five years attempted to develop an official definition of sources and methods. The most intensive effort in this regard was that undertaken by [ ] of OGC in 1975. None of the efforts to date have been wholly successful and each posed

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its unique problems. Given the fact that both legislation and a proposed Executive order, which will deal with intelligence sources and methods, are being developed, it was the feeling of the Working Group that it would be inappropriate and possibly counterproductive for the Agency to develop unilaterally a definition of sources and methods at this time.

- e. Study existing classification/declassification guidelines and determine the feasibility of developing a unified set for the Agency.

RECOMMENDATION:

That the development of a unified set of Agency classification/declassification guidelines be deferred until the proposed Executive order on National Security Classification is published.

Comment:

In connection with the Agency's declassification program being conducted by the Records Review Branch within the ODDA, declassification guidelines for Agency components have been established and are now in use. To a large extent, classification guidelines are the reverse of declassification guidelines and, thus, it can be stated that to a very large extent we have agreed on guidelines for both actions. Nonetheless, it would appear to us that final codification of such guidelines should await the opportunity for study of the new Executive order dealing with this general subject.

- f. Determine what type of training and instruction is necessary to aid Agency personnel in the proper classification and declassification of material.

RECOMMENDATION:

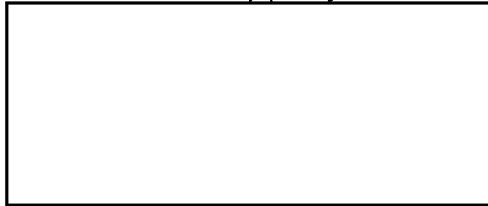
That the Director of Training be tasked with the responsibility for including appropriate training in the proper classification and declassification of material in the basic orientation courses and in specialized courses as are offered the career trainees and intelligence analysts.

Comment:

Until recent years, policies and procedures relating to classification and declassification were handled exclusively

through on-the-job training. It is obvious that this approach has not served us well in the past and that formal training in these matters is necessary at the earliest stages of an employee's association with the Agency. There are several courses currently being conducted by the Office of Training which would lend themselves to having this material incorporated and which would expose it to a large number of Agency personnel. We believe that with the active participation of operating components this training effort could be promptly established and would prove to be an effective means of reducing or eliminating many of the problems encountered in the past.

4. None of the above recommendations is offered as insurance against future difficulties in the area of information release. Rather, they are actions which are both feasible and cost-effective and which we believe would result in demonstrable improvements in our handling of actual or potential release problems in the future.



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① Karen - inform Blakers office  
of our concerns  
② GMC see my note.

9 March 1978

NOTE FOR: PLC

FROM : GMC

SUBJECT : Attached Memorandum From DDA on Release of CIA  
Information to the Public

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1. [ ] was our representative on this working group. He says that he had the attached memorandum sent to us for comments but that he has not read it carefully himself. Only substantive comment was that some day somebody will have to face up to the necessity of a centralized index (page 2).

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2. The memorandum has been reviewed by [ ] in addition to myself. [ ] strongly concurs with the point made about a centralized index on page 3, i.e., that an ideal index is unobtainable. She believes, moreover, that a less than ideal index would be counter productive.

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3. Otherwise, the report generally seems eminently reasonable to all of us. Two points involving OLC should be noted carefully, however.

a. Recommendation number three on page five regarding the establishment of a sub-IRC working group. If implemented, this would include representation from OLC at the "senior staff officer" level. Does [ ] want to make such a commitment for what are essentially FOIA/Privacy Act matters?

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b. Recommendation number five on page five that OLC be "integrated more fully into the Agency's overall information release procedures" can be read to mean that OLC should be part of the regular trace procedures for all FOIA/Privacy requests. This is a burden we assumedly would not want to take on. The comment which follows this recommendation seems to indicate that the recommendation concerns OLC's responses to non-FOIA/Privacy requests, but this does not

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preclude an interpretation that would more directly involve OLC in the FOIA/Privacy process.

3. Should we discuss these points with  OLC's reply to Blake is supposedly due tomorrow.

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GMC

Darg,

OLC is more and more in the public release arena due to public Congressional appearances - public statements etc. More importantly, public releases are being made through FOIA, unclassified reports, etc. I had we have not been aware of but have had Congressional reaction when released. For these reasons, this coordination effort attempts to bring all interests together to ensure none is "blindsided."

We cannot avoid involvement since coordination is vital to protect our interests. I have been designated to be OLC's representation on this matter and will obviously serve on the sub-IPR group. We'll have to follow through at least until we can be sure our interests are protected.

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